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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) P0813.70013US01
In re Application of Frederick S.M. Herz et al.		
Application Number 09/024,278-Conf. #8139		Filed February 17, 1998
For BROADCAST DATA DISTRIBUTION SYSTEM WITH ASYMMETRIC UPLINK/DOWNLINK BANDWIDTHS		
Art Unit 2424	Examiner S. P. Huynh	

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ **540.00** Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:\$ **270.00** A check in the amount of the fee is enclosed. Payment by credit card. The Director has already been authorized to charge fees in this application to a Deposit Account. The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **23/2825**. A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: INFORMATION ON THIS FORM MAY BECOME PUBLIC. CREDIT CARD INFORMATION SHOULD NOT BE INCLUDED ON THIS FORM. PROVIDE CREDIT CARD INFORMATION AND AUTHORIZATION ON PTO-2038.

I am the

 applicant /inventor.
Signature assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)Robert A. Jensen
Typed or printed name attorney or agent of record.Registration number **61,146**

617.646.8000

 attorney or agent acting under 37 CFR 1.34.

Telephone number

Registration number if acting under 37 CFR 1.34. _____

August 10, 2010

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*. *Total of **1** forms are submitted.**Certificate of Electronic Filing Under 37 CFR 1.8**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(e)(4).

Dated: August 10, 2010

Signature:  (Patricia L. Marchetti)